

1 **REBECCA BRUCH, ESQ.**

2 Nevada Bar No. 7289

3 **LEMONS, GRUNDY & EISENBERG**

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8 *Attorney for Defendant Nye County*

9
10 UNITED STATES DISTRICT COURT

11 DISTRICT OF NEVADA

12 BRETT WAGGONER, an Individual

13 Plaintiff,

14 v.

15 NYE COUNTY; CHRIS ARABIA, in his
16 individual and official capacity; LEO
17 BLUNDO, in his individual and official
capacity; DOES I-X; ROE
CORPORATIONS I-X,

Defendants.

Case No: 2:21-cv-01312-APG-EJY

**STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND DEADLINE
FOR DISPOSITIVE MOTIONS
(Fourth Request)**

18 The parties through their counsel of record, Michael Balaban, Esq., on behalf of
19 Plaintiff Brett Waggoner (“Waggoner”); Brian Hardy, Esq., of Marquis Aurbach Coffing,
20 on behalf of Nye County District Attorney Chris Arabia (“Arabia”) and Nye County
21 Commissioner Leo Blundo (“Blundo”); and Rebecca Bruch, Esq., of Lemons, Grundy &
22 Eisenberg, on behalf of Nye County (“the County”), pursuant to Local Rules LR IA 6-1
23 and LR 26-4, hereby stipulate to extend the deadline for dispositive motions, subject to the
24 Court’s approval. This is the fourth request for an extension of the deadline for dispositive
25 motions. This requested extension is sought in good faith and not for the purposes of delay.

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MEMORANDUM OF POINTS AND AUTHORITIES

I. LEGAL AUTHORITY

Fed. R. Civ. P. 16(b)(4) governs the modification of discovery plans and scheduling orders. Rule 16 provides that “[a] schedule may be modified only for good cause and with the judge’s consent.” Fed. R. Civ. P. 16(b)(4). The “good cause” standard focuses primarily on the movant’s diligence. *Coleman v Quaker Oats Co.*, 232 F.3d 1271, 1294-95 (9th Cir. 2000). Local Rule 26-4 provides that discovery plans and scheduling orders may be modified for good cause, provided that a motion to extend is made “no later than twenty-one (21) days before the expiration of the subject deadline.” LR 6-4.

On September 15, 2022, the Court granted a stipulation to extend discovery and dispositive motions. Dispositive motions were extended to December 5, 2022. Counsel for Nye County has been out of the country for almost two weeks in November. In addition, Counsel for Nye County has staffing issues which have and continue to cause delays. Holiday closures also are anticipated to cause delays.

Given the above, and based on the calendars of counsel for the parties, they would stipulate to and request the dispositive motions and pretrial order dates be extended as follows:

Dispositive Motions: The parties propose extending the deadline for filing dispositive motions by 35 days, until **January 10, 2023**. Oppositions would be filed by **February 10, 2023**. Responses would be filed by **March 3, 2023**.

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Joint Pretrial Order: The parties propose extending the deadline for filing the joint pretrial order to **February 10, 2023**, unless one or more dispositive motions are pending on this date thereby suspending the due date for the joint pretrial order to 30 days after the Court issues its order regarding such motion or motions.

DATED this 14th day of November, 2022.

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IT IS SO ORDERED; provided, however, no further extensions of time to file dispositive motions will be granted.

DATED this 15th day of November, 2022.


UNITED STATES MAGISTRATE JUDGE